

LEVI & KORSINSKY, LLP

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[Proposed] Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

| | | |
|---------------------------------------|---|----------------------------------|
| CREIGHTON TAKATA, individually |) | C.A. No. 3:18-cv-2293 |
| and on behalf of all others similarly |) | |
| situated, |) | MEMORANDUM OF LAW IN |
| |) | SUPPORT OF THE MOTION |
| Plaintiff, |) | OF THE KLAPPER, RANA |
| |) | AND ESTOESTA GROUP FOR |
| v. |) | CONSOLIDATION, |
| |) | APPOINTMENT AS LEAD |
| RIOT BLOCKCHAIN, INC. F/K/A, |) | PLAINTIFF AND APPROVAL |
| BIOPTIX, INC., JOHN O'ROURKE, and |) | OF SELECTION OF |
| JEFFREY G. MCGONEGAL, |) | COUNSEL |
| |) | |
| Defendants. |) | MOTION DATE: May 21, 2018 |
| |) | |
| JOSEPH J. KLAPPER, JR., individually |) | |
| and on behalf of all others similarly |) | C.A. No. 3:18-cv-8031 |
| situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| RIOT BLOCKCHAIN, INC. F/K/A, |) | |
| BIOPTIX, INC., JOHN O'ROURKE, and |) | |
| JEFFREY G. MCGONEGAL, |) | |
| |) | |
| Defendants. |) | |

PLEASE TAKE NOTICE that, on May 21, 2018, or as soon thereafter as the matter may be heard in the courtroom of the Honorable Freda L. Wolfson, situated at 402 East State Street, Trenton, New Jersey, 08608, proposed lead plaintiff movants Joseph J. Klapper, Jr., Ashish Rana, and Sonia Estoesta (the “Klapper, Rana and Estoesta Group” or “Group”), by their counsel, will hereby move this Court for an order (attached hereto): (1) consolidating the above-captioned actions (the “Related Actions,” thereafter, the “Consolidated Action”); (2) appointing the Group as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(3)(B) in the Consolidated Action; (3) approving the Group’s selection of Levi & Korsinsky, LLP as lead counsel; and (4) for any such further relief as the Court may deem just and proper. In support of this Motion, the Group submits herewith a Memorandum of Law in Support of the Motion, the Declaration of Donald J. Enright, dated April 18, 2018, and the Joint Declaration of the Klapper, Rana and Estoesta Group in Support of their Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel dated April 17, 2018.

This Motion is made on the grounds that the Group believes it is the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb). Specifically, the Related Actions should be consolidated as they each arise from the same facts and allege similar theories of liability. With respect to their motion to be appointed Lead

Plaintiff, the Group believes it has the “largest financial interest” in the relief sought by the class in the Related Actions as a result of the substantial loss the Group’s members suffered due to their purchases of Riot Blockchain, Inc. securities during the Class Period. Additionally, the Group also believe it “satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure” because the Group’s claims are typical of those of other class members and because it will fairly and adequately represent the interests of the class. *See* 15 U.S.C. ¶ 78u-4(a)(3)(B)(iii)(I)(cc).

Dated: April 18, 2018

LEVI & KORSINSKY, LLP

/s/ Donald J. Enright

Donald J. Enright

Elizabeth K. Tripodi (*pro hac vice to be submitted*)

John A. Carriel (*pro hac vice to be submitted*)

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